REMARKS

The above preliminary amendments and following remarks are submitted in accordance with a Request for Continued Examination filed on even date and in response to the Final Official Action of the Examiner mailed on January 4, 2005. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

Claims 1-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,643,633, issued to Chau et al (hereinafter referred to as "Chau") in view of U.S. Patent No. 6,810,429, issued to Walsh et al (hereinafter referred to as "Walsh"). This ground of rejection is respectfully traversed for failure of the Examiner to meet his burden of showing the three elements required by MPEP 2143 to present a *prima facie* case of obviousness.

To meet the requirements of MPEP 2143, the Examiner is required to provide evidence and argument with regard to the alleged combination of Chau and Walsh of: 1)motivation to make the alleged combination; 2)reasonable likelihood of success of the alleged combination; and 3)all claimed elements within the alleged combination. The Examiner has failed in to meet his burden for the following reasons.

As to "motivation", the Examiner addresses the requirement

only once. His primary argument is:

> Chau et al does not teach a service request contained
> within a document formatted in XML and converts the
> service request into the command language for
> execution.

> Walsh et al. teaches a service request (col. 5, lines
> 62-65) contained within a document formatted in XML
> (fig. 3, item 102) and converts the service request
> into the command language for execution (col. 5, lines
> 62-65).

> Therefore, it would have been obvious to a person
> having ordinary skill in the art at the time the
> invention was made to have modified Chau et al. with a
> service request contained within a document formatted
> in XML and converts the service request into the
> command language for execution.

This   syllogism is clearly erroneous factually, logically

incorrect, and inadequate as a matter of law.

It is clearly erroneous factually, because Chau on it face

has no need for or interest in the claimed "service request"

limitations. Chau's Title, Abstract, Field of the Invention,

Summary of the Invention, etc. are all dedicated to "Storing XML

Data into a Relational Database". There is nothing within Chau

which would indicate that the system of Chau has anything to do

with "service requests". As a result, it is clearly erroneous to

suggest that one of skill in the art would look to Walsh to

accomplish something within Chau which is totally superfluous.

The syllogism is logically incorrect, because the conclusion does not follow the major and minor premises. The Examiner has stated a classical error in logic.

Finally, this is precisely the unsupported conclusion attacked by the Court of Appeals for the Federal Circuit stating in part:

> Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence". *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999.

Thus, the Examiner has failed hereby to show motivation, as a matter of law.

In an apparent attempt to bolster his clearly erroneous findings of fact, classically fallacious reasoning, and legally inadequate argument to show motivation, the Examiner further states:

> It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Chau et al.</u> by the teaching of <u>Walsh et al.</u> because providing a service request contained within a document formatted in XML and converts (sic) the service request into the command language for execution allows a <u>uniform user interface</u> to the database as taught by <u>Walsh et al.</u> (col. 2, lines 56-67). (emphasis added)

This statement is nonsense for several reasons. First, what Walsh actual says is found at lines 60-61:

User interfaces to the databases need to be uniform.

The "user interfaces" in Chau is already uniform and standard. Chau, column 4, lines 54-56, states:

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> Thus, the present invention may be implemented as a
> method, apparatus, or article of manufacture using
> <u>standard</u> programming and/or engineering techniques.....
> (emphasis added)

Because Chau already has a uniform "standard user interface", one

would not be motivated to modify Chau (with Walsh or anything

else) to provide a uniform user interface.

Thus, the Examiner has clearly not met his burden under MPEP

2143 to show "motivation". Furthermore, the Examiner has not

even mentioned his obligation to show "reasonable likelihood of

success". Finally, the Examiner's attempt to show all of the

claimed elements within the alleged combination is fraught with

clearly erroneous findings of fact.

For example, with regard to claim 1, the Examiner clearly

erroneously states:

> As to Claim 1, <u>Chau et al</u> discloses in a data
> processing system including a <u>legacy</u> data base
> management system which <u>executes a command language</u>....
> (emphasis added)

As the Examiner is well aware, Chau has no "legacy data base

management system" and no "execution of command language". The

inherent incompatibility of a "legacy data base management

system" with the XML format is defined in Applicants'

specification at page 5, lines 14-17. In fact, the system of

Chau, as seen in Fig. 1, utilizes Server Computer 110, which is

specifically labeled "XML System". Furthermore, there is no

mention within Chau of "execution of a command language".

Furthermore, the second element of claim 1, as amended, requires:

> an Input Definition Table (IDT) responsively coupled to said legacy data base management system which converts said service request into said ordered sequence of command language statements for execution by said legacy data base management system

Again, in response to this claim element, the Examiner clearly erroneously finds:

> an Input Definition Table (IDT) responsively coupled to the legacy data base management system which (sic) by the legacy data base management system (Fig. 9-11 and col. 77, lines 22-67).

Chau has no Input Definition Table (IDT) which the Examiner deceptively tries to equate with a Document Access Definition (DAD). The Examiner's attention is respectfully directed to Applicants' specification at page 12, lines 7-10, which provides a basic definition of the IDT. A sample IDT may be found in Applicants' Fig. 28. Many of the Examiner's succeeding rejections are invalid because of this confusion.

Quite apart from the fact that this finding does not respond to the claimed limitation, it is clearly erroneous. Chau has no "legacy data base management system". Therefore, Chau cannot have an IDT "responsively coupled to the legacy data base management system".

Finally, the Examiner states:

> Walsh et al. teaches a service request (col.5, lines 62-65) contained within a document formatted in XML (fig. 3, item 102) and converts the service request

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into the command language for execution (col. 5, lines 62-65).

This finding is clearly erroneous in view of Walsh, column 5, lines 62-65, which actually states:

> The RAC uses application programming interfaces (API's) and structures of the legacy data source to access the data and to map the data into the XML format.

Fig. 3, item 102, labeled simply XML, is even less helpful. Column 4, lines 9-11, explain:

> The components are connected by a network and mobile agents 101 carrying XML documents 102.

It is absolutely baffling how the Examiner could find that XML documents 102 contain the claimed "service request" and that this "service request" is somehow converted to executable "command language" as claimed. The prior art simply does not support the clearly erroneous findings of the Examiner.

As result, the Examiner has failed to make any of the three showings required by MPEP 2143. Therefore, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claims 2 and 7 depend from claims 1 and 6, respectively, and are further limited by a DTD. The Examiner has already admitted that Chau does not have the XML document including a "service request" which is limiting of claims 1 and 6. Therefore, Chau cannot have a DTD which describes a document which it does not

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have. The rejection of claims 2 and 6, and claims depending

therefrom, is respectfully traversed.

Claims 12 and 17 depend from claims 11 and 16, respectively,

and are further limited by an IDT. The Examiner rejects these

claims stating:

> a Document Type Definition (DTD) which defines the
> format of the document (<u>Chau et al.</u> col. 9, lines 12-
> 20).

This statement is both clearly erroneous, for the reasons stated

above, and legally irrelevant, because it does not address the

claimed invention. The Examiner continues to confuse Applicants'

IDT with Chau's DAD. The rejection of claims 12 and 17 is

respectfully traversed.

In rejecting claims 3, 8, 13, and 18 the Examiner states:

> As to Claims 3, 8, 13, and 18, <u>Chau et al</u> as
> modified teaches a (sic) improvement wherein
> the IDT further comprises a plurality of
> sequential text lines (<u>Chau et al</u> col. 79, line 1- col.
> 80, line 67).

This finding is at first clearly erroneous, because this

extensive citation (i.e., two complete columns) is dedicated to

Document Access Definition (DAD). Applicants' claims are further

limiting of the Input Definition Table (IDT). Furthermore, the

rejection is legally irrelevant as to claims 8, 13, and 18,

because it does not even address the claim limitations. The

rejection of claims 3, 8, 13, and 18 is respectfully traversed as

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based upon clearly erroneous findings of fact and fails to address Applicants' claimed invention.

Claims 4, 9, 14, and 19 depend from claims 3, 8, 13, and 18, respectively, and present further limitations to the IDT. As explained above, Chau has no IDT. Therefore, it cannot have these further limitations to the IDT. The rejection of claims 4, 9, 14, and 19 is respectfully traversed.

In rejecting claims 5, 10, 15, and 20, the Examiner states:

> As to Claims 5, 10, 15 and 20, <u>Chau et al</u> as modified teaches a (sic) improvement further comprising a repository responsively coupled to the legacy data base management system wherein the IDT is <u>Chau et al</u> Fig. 9-11 and col. 77, lines 22-67).

This finding is clearly erroneous. Chau has no "legacy data base management system", no "repository", and no "IDT". The rejection of claims 5, 10, 15, and 20 is respectfully traversed.

In rejecting independent claims 6, 11, and 16, the Examiner repeats the clearly erroneous findings of fact discussed above. Neither Chau nor Walsh has and Input Definition Table (IDT). Again, the Examiner continues to confuse Applicants' claimed IDT with the DAD of Chau. Again, the alleged combination has no "legacy data base management system". Again, the alleged combination has no executable "sequence of command language statements". The Examiner's findings to the contrary are clearly erroneous for the reasons provided above. The rejections of

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claims 6, 11, and 16, and all claims depending therefrom, are respectfully traversed.

In rejecting independent method claim 21, the Examiner repeats many of these clearly erroneous findings of fact and bases his rejection on yet other clearly erroneous findings of fact. For example, he states:

> retrieving an existing XML element to source tree from a repository (Chau et al Fig. 2).

Any cursory examination of Fig. 2 shows that there is no "XML element to source tree" and no "repository". The findings with regard to the other claim elements are similarly clearly erroneous. The rejection of claim 21 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 22 depends from claim 21 and further limits the "XML element to source tree". The alleged combination has no such element. The rejection of claim 22 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 23 depends from claim 22 and is further limited by a "deleting" step. Though the Examiner again cites copious amounts of material, there is no suggestion of "deleting an attribute" as claimed. The rejection of claim 23 is respectfully traversed.

Claim 24 depends from claim 23 and requires the addition of a new attribute. Again, although the Examiner cites substantial material, none of it suggests the addition of a "new attribute" as claimed. The rejection of claim 24 is respectfully traversed.

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Claim 25 depends from claim 24 and further limits the "modifying step" to include deletion of an element. Again, the Examiner cites the same material from Chau knowing that it suggests nothing of deleting an element as claimed. The rejection of claim 25 is respectfully traversed.
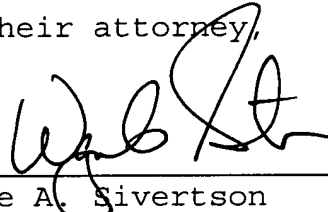
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,

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